



DOCKET NO: 257706US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
RYO KAWAHARA, ET AL.	: EXAMINER: DIACOU, A.
SERIAL NO: 10/775,103	:
FILED: FEBRUARY 11, 2004	: GROUP ART UNIT: 3663
FOR: OPTICAL AMPLIFYING METHOD, OPTICAL AMPLIFYING APPARATUS, AND OPTICAL AMPLIFIED TRANSMISSION SYSTEM USING THE APPARATUS	:

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

1. I, Ryo Kawahara, am one of the four named co-inventors of the present application. I hereby swear that the present invention was conceived at least by September 15, 2002, as evidenced by the attached Invention Report.

2. All claims now pending in the present application are supported by the invention report submitted to my company's management just prior to September 16, 2002 (Attachment 1). All pending claims are supported by the attached Invention Report. Figure 9 of the attached Invention Report, herewith annotated in English, corresponds to Figure 6 of Applicants' originally filed specification. At the very least, Figure 9 of the Invention Report reflects that we had conceived as much regarding proportional gain in relation to input power as is shown by U.S. Patent Publication No. 2004/0051938.

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3. Applicants exercised due diligence from just prior to September 16, 2002 to the filing date of February 12, 2003 of priority document JP 2003-034135, as evidenced by various letters and emails found in Attachment 2 and dated September 3, 2002, September 4, 2002, September 13, 2002, September 26, 2002, October 10, 2002, November 15, 2002, December 12, 2002, January 31, 2003 (two correspondences), and February 12, 2003. A translation of pertinent parts of these papers is also included in Attachment 2.

4. Consequently, as evidenced by the above-identified invention report (Attachment 1) and subsequent internal company interactions and correspondence with patent counsel (Attachment 2), the invention as presently claimed was conceived and due diligence was exercised from just prior to September 16, 2002 until the priority date of February 12, 2003.

5. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Ryo Kawahara  
Ryo Kawahara

Date: 10/29/2006

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